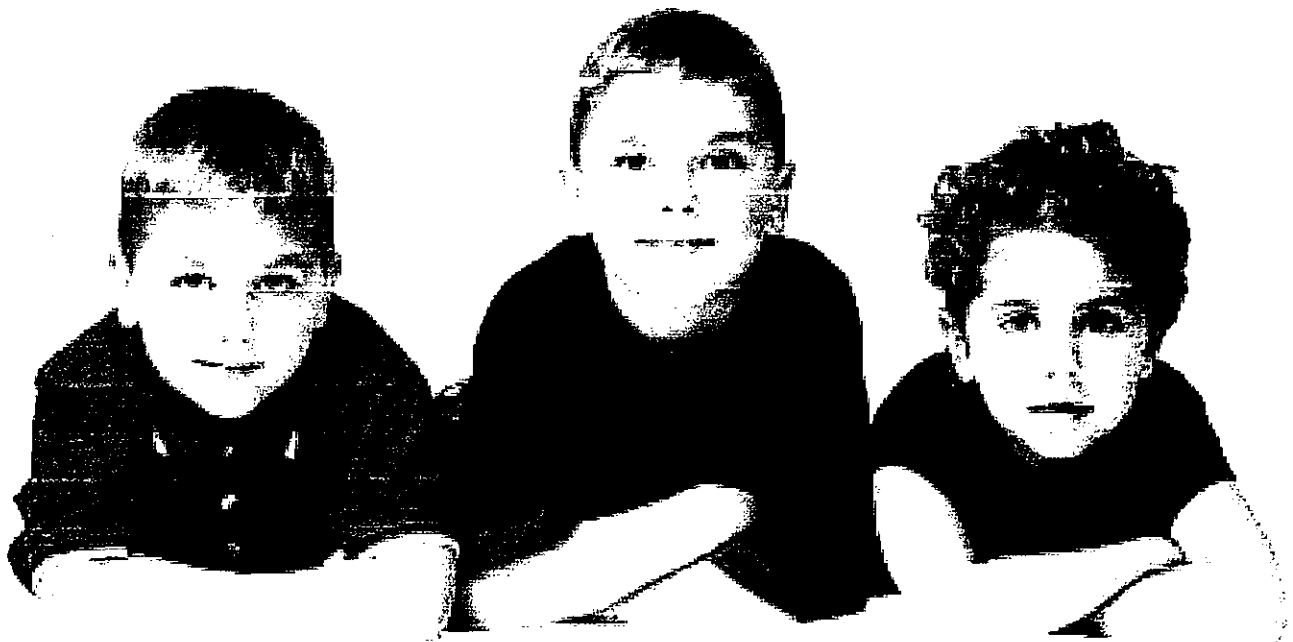




Putting Ravalli County's Kids First

A monthly dissolution and parenting plan orientation sponsored by the Judges of the Twenty-First Judicial District of Montana in collaboration with the Community Dispute Resolution Center of Missoula County and Families First of Missoula.

This information packet is a set of resources to help parents get through the difficult issues of separation and dissolution with the least amount of negative impact on the children. Parents have control over the **influence** of the dissolution on their children, the **intensity** of the conflict that the children are exposed to and can ensure that the children are not **involved** as emotional pawns in the process of ending the marital relationship.



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Introduction: *A Perspective from the Bench*

An overview of the dissolution and parenting plan orientation from the Montana Twenty-First Judicial District Judges.

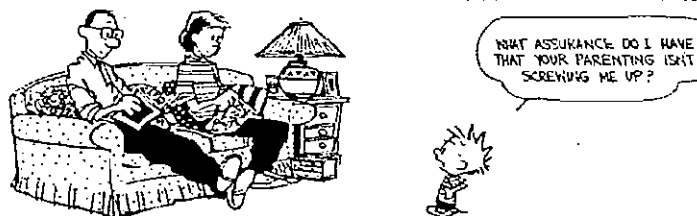
WE the judges in our capacity as “family law judges” are pleased to provide *Putting Ravalli County’s Kids First*, a dissolution and parenting plan orientation program where the focus is on the children of dissolution. We review your parenting arrangements to make sure they are in the children’s best interest, even in default cases. **Our goal is for parents to learn ways to keep children out of the middle of parental conflict** and avoid a contested case where we are called upon to make decisions for you.

WE the judges are committed to managing cases in a peaceful, problem-solving way rather than allowing parents to be pitted unnecessarily against each other in an adversarial setting. Court trials lead to increased antagonism and conflict between parents, which make it more difficult for parents to work together in matters concerning the children. **We know and trust that parents, when acting cooperatively, are generally in the best position to know what is best for their children.**

Dissolution is a life-transforming experience. After a dissolution, childhood is different. Adolescence is different. A dissolution affects children’s future adulthood decisions such as whether or not to marry and have children. Whether the final outcome is good or bad, the whole trajectory of an individual’s life is profoundly altered by the dissolution experience.

The situation in which children find themselves as their parents go through a dissolution is not one of their own choosing. Please read this sentence again and think of a time you were the pawn in others’ struggles. This situation is a critical crossroad in children’s development, and the process that the children experience is a source of tension and anxiety for them.

For children, a dissolution is not a one-time event, but a continuous process. Children can and do weather the stress of dissolution. Although no single factor predetermines how well a particular child will do, recent research into the effects of dissolution on children have uncovered several factors. Parents who are willing to educate themselves and to seek help in learning to co-parent improve the likelihood that they will be better equipped to help their children understand and overcome the stresses of a dissolution.



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The level and intensity of parental conflict is the most potent factor in the children's post-dissolution adjustment. High conflict between the parents is the single best predictor of a poor outcome for the child or children. *Fortunately, it is also one of the factors over which parents have the most control.*

Montana family law encourages divorcing and post-divorce parents, where appropriate, "to meet the responsibilities to their minor children through agreements in the parenting plan rather than through judicial intervention." § 40-4-233(6), M.C.A. One of the critical factors of a "child's best interest" is how the parents resolve conflict. You will hear from the Court that you, the parents, acting in cooperation, are generally in the best position to know what is best for your child or children.

In this 90 minute program you will hear first from the Court as it addresses dissolution with "a view from the bench." Next you will hear from resource groups located in Ravalli County that provide an array of services to families going through a dissolution. Planet Kids offers supervised visitation and exchange programs; and Families First has an array of services: classes, parenting groups, counseling services, and a lending library.

After the resource groups have presented, a family mediator will give a brief explanation of mediation, which involves a neutral third party who seeks to help parents reach resolution on parenting issues, but does not make decisions for them. Finally, you will hear from a local parent educator who will discuss the dynamics of dissolution, post-dissolution behavior and, most-importantly, the effects of dissolution on children. On video, you will get an eye-opening look from the child's perspective.

All of the presenters you will see today are from the community who are here to provide you with the resources available to assist you, your co-parent, and your child or children through this dissolution. Please take this packet home and refer to it often — contact information for all of the presenters today is located on the back page.

Judges of the Twenty-First Judicial District
(Ravalli County)

Honorable James A. Haynes

Honorable Jeffrey H. Langton

Steps in a Dissolution or Parenting Action

Any time prior to the filing of the Petition for Dissolution or Parenting, the parties are encouraged to attend counseling, mediation or attempt settlement discussions.

1. Petitioner (the person asking for the dissolution) files *Petition for Dissolution or Parenting* with the Clerk of Court in the District Court.
2. Respondent (the other parent not starting the proceedings) files an Answer with the District Court.
Once the Answer has been filed, the matter is "at issue" and brought to the court's attention.
3. In Department 1 your file is maintained by Judge Langton.
In Department 2 your file is maintained by Judge Haynes.
4. The next step in all Departments is for the Court to conduct a Scheduling Conference.
During this conference, deadlines for discovery are set. The need for a Guardian ad Litem or Parenting Evaluation is discussed. All contested issues are identified and the possibility for mediation and need for parenting classes is addressed.
5. Generally, the next step in a contested matter is the Settlement Conference. This may be conducted by an attorney or mediator.
6. If Settlement is successful, parties are scheduled to appear before the Court for an uncontested dissolution of marriage.
In a Parenting action (as opposed to Dissolution with Parenting), the parties do not need to appear in court, but must present their agreed-upon Parenting Plan, together with applicable child support calculations to the Court so the Plan can be "So Ordered."
7. If Settlement is unsuccessful, parties are scheduled to appear for an Adversarial Hearing and for final hearing before Judge Langton or Judge Haynes.
8. After the District Court (Judge Langton or Judge Haynes) issues Findings of Fact and Conclusions of Law, the parties may appeal the District Court Order to the Supreme Court in Helena.

This is not an exhaustive list of steps, but it is the basic framework for the procedure before the Courts. There may well be interim matters to be heard, such as: a hearing on temporary maintenance; child support; an interim parenting plan; an Order of Protection; or an Intervention hearing.

Montana Child Support Enforcement Division

CSED provides child support services under the Federal and State Child Support Program. These services are provided to either parent, or to a third party with whom the child resides by court order or consent of the parent having legal custody.

Locate Services

The CSED will attempt to locate addresses, assets and employment through automated computer matches.

Order Establishment

The CSED will try to establish the paternity of children who are born out of wedlock. Once paternity is established, the CSED will try to establish an order for child support and medical support. The order will address each parent's share of the total obligation.

Order Review and Modification

Either parent or a caretaker/guardian of the children may ask the CSED to review the support order. The request for review must be made in writing. Orders will be reviewed based on current laws, rules and regulations.

Support Order Enforcement

Actions the CSED may take to enforce a support obligation include, but are not limited to, the following:

- Issue income withholding orders
- Intercept federal and state income tax refunds
- Impose liens on real and personal property
- Seize cash assets
- Report past-due amounts to credit bureaus
- Suspend licenses

Medical Support Enforcement

The CSED automatically provides medical support enforcement services. If medical insurance coverage is not ordered in the support order, the CSED may require the order to be modified to include a provision for medical insurance.

Interstate Cases

The CSED may request assistance from another state's child support agency to work your case. Once the case is referred to another state, that state controls the actions taken in the case.

Payments

The CSED issues payments electronically, either to a debit card account or to a bank account. Payments are distributed according to state and federal rules, regulations and laws. While your CSED case is open, payments must come through the CSED to receive credit. Send all payments to: CSED, PO Box 5955, Helena, MT 59604.

CSED Office: 406.329-7910 <http://childsupport.mt.gov>

Families First is committed to strengthening families by providing parenting information, guidance, and support to parents of all backgrounds and life circumstances. We support parents by strengthening the parent-child relationship through improved communication skills, positive discipline approaches, and by honoring parents' natural strengths as caregivers, nurturers, and teachers of their own children.

CO-PARENTING SUPPORT

Divorce and Shared Parenting is a series of two classes.

- **Part 1: What's Best for the Kids** covers methods for coping, what helps kids, how to improve family communication, and how to maximize quality time with your kids.
- **Part 2: Communicating with the Other Parent** builds on the first session, exploring how to relate to your co-parent to minimize harm to your kids and provide tips for parenting after divorce.
- There is a \$25 fee for Hamilton classes. On-site childcare is available upon request for all classes. Please call 721-7690 to pre-register.

Parenting Consultations are available for those tricky, specific questions about your family and your separation. Call or come in to talk to one of our staff counselors. Our counselors specialize in child development, parenting through divorce, general parenting and bereaved families.

- **Parenting Helpline** offers FREE individualized help to parents over the phone. Parenting Helpline staff offer advice on how to support your kids through your separation and/or dissolution. General parenting concerns range from how to handle behavioral challenges with their teens to how to encourage one's shy child to interact with peers. The Helpline is a confidence booster, a human voice who understands the hard work of parenting, and a good place to start with your parenting through dissolution questions.
1-800-346-ABCD or 721-7690 (in Missoula)
- **Office Consultations** with one of our staff are available for more complex situations. Sessions are 50 minutes long and based on a sliding fee scale. Manageable monthly payment plans are available. Families First will not turn anyone away based on ability to pay.

Children's Adjustment to Divorce is a series where children whose parents are divorced or separated can be with their peers in a safe place to express and understand their feelings. Children learn about communication, change and new perspectives on family life.





Planet KIDS

Supervised Visitation & Exchange Center

Our Mission

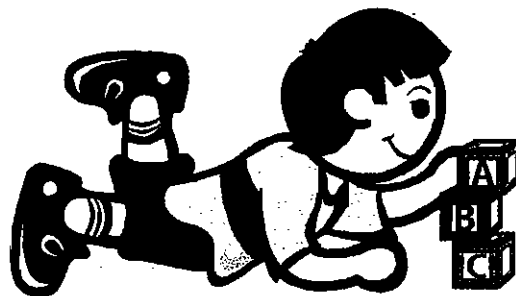
Planet Kids Supervised Visitation & Exchange Center is a peaceful, safe and welcoming environment that encourages positive interactions between children and their visiting parents.

What is Planet Kids?

Planet Kids is a child-focused service that provides a safe and comfortable place for parents and children to build positive relationships. The Visitation Center has two goals: first, to offer assistance arranging continued contact between non-residential parents and their children, and second, to provide educational opportunities and resources to parents.

Possible Reasons for Using Planet Kids

- Court ordered visitation/exchange
- History of domestic violence
- History of substance abuse
- History of mental health concerns
- Abduction concerns
- Concerns about parenting skills
- No contact between parents is desired by one parent or both
- Temporary or transitional needs at the time of separation
- Lengthy separation of child and parent
- Other child safety concerns



How to Access the Center

1. Each parent needs to contact the center at 406-542-3346 to set an appointment to complete the registration.
2. Each parent will need to attend a separate orientation session prior to starting visits.
3. After orientation, the Program Coordinator contacts each parent to set up a visitation schedule.

Planet Kids Services

- On-site monitoring
- Exchange monitoring
- Referrals
- Parenting Education Opportunities

This project is funded by the Office of Justice Program on Violence Against Women





Parenting Plans

Helping co-parents solve problems and deal with conflict

Most judges, child psychologists, counselors and many attorneys agree that **parents** are in the best position to create workable parenting arrangements for their children. However, the stress of divorce often makes it very difficult for them to sit down together and work through the various issues involved in residential plans.

The **Community Dispute Resolution Center of Missoula County** has been providing parenting plan mediation services to the community and the courts since 1995, providing a safe, comfortable way for parents to consider the best interests of their children.

WHAT IS MEDIATION?

Mediation is a collaborative problem-solving process where individuals and groups resolve their conflicts with the help of a neutral third party known as a mediator. The mediator facilitates communication so the disputing parties can work towards negotiating a solution.

WHY MEDIATION?

A mediator helps parents communicate their needs to one another in a safe and neutral environment. Mediation provides parents with the opportunity to re-establish communication, craft their own solutions, and—if necessary—develop processes for dealing with future conflict. Mediation focuses on solving problems, not fixing blame, and conserves precious resources, both emotionally and financially.

How can we help?

- CDRC mediators have extensive training in assisting parents in conflict.
- Mediation removes the parenting plan from the adversarial arena to a collaborative, safe, neutral venue for problem solving.
- Parents can learn skills for making future parenting decisions independent of the courts.
- Mediators focus on the parenting issues, leaving support and property issues to the legal advisors.
- Parents feel more satisfied with children's residential arrangements when they have collaborated to create them.
- Parenting plans created in mediation often reduce the opportunity for involving children in conflicted divorce issues.



406.543.1157

Post Office Box 5750

Missoula, MT 59806

GENERAL PRINCIPLES OF POST-DISSOLUTION PARENTS

1. Children who do best after their parent's separation are those whose parents make them feel loved and wanted in each home, keep the children away from parent's disagreement and bad feelings, and allow the children to develop independent relationships with each parent.
2. The most poorly adjusted children are those whose parents involve them in continuing conflicts.
3. Post-dissolution parents who go on to lead fulfilling lives share several key traits. They have let go of the past and are busily involved with new people, activities, and relationships. They have developed independent lives and stopped trying to control and interfere with each other.
4. Continued hostility between co-parents has been implicated as *the* major factor in children's post-dissolution adjustment and development.
5. Regardless of marital status, parents will continue in their roles as mother and father to their children. In so doing, each parent has the right during time spent with his/her child to follow his/her own standards, beliefs, or methods of child-rearing without interference from the other parent so long as the parent does not endanger the child.
6. Children must be free from hearing implicit negative comments or being part of parent's personal battles. Children must not be made to feel as if they were choosing between parents.
7. Kids do best when parents work out a practical, time-sharing schedule, either temporary or long-term, as soon as possible.
8. Parents need to make it clear that they value their children's relationship and time, both with them and with the other parent.
9. Once an agreement is reached, parents make every effort to live up to its terms.
10. Parents tell each other in advance about necessary changes in plans.
11. Parents are reasonably flexible about trading off to accommodate the other parent's needs.
12. Parents prepare the child, in a positive way, for upcoming stay with other parents.
13. Parents *do not* conduct adult business in front of the children.
14. Parents refrain from using the children as confidantes, messengers, bill collectors, or spies.
15. Parents listen caringly, but encourage the children to work out problems with the other parent directly.
16. Parents work out their problems with each other in private.
17. Children derive potentially significant benefits from ongoing relationships with grandparents and other extended family members. While such familial relationships should be encouraged, extended family members and parents alike must recognize the need for civility in their relationship with one another.
18. Partners who are parents can never be completely divorced. They are joined by their bonds with their children and by their concern about their children's emotional health. Indeed, the most loving gift that one can give to his/her children is permission to be as close to the other parent as to themselves.

Traits of Co-Parents Who Succeed at Parenting Apart

Parenting from two homes takes extra effort, but pays off in a better relationship between you and your children and in the ongoing support your children receive from the two people they love best. Successful parenting from two homes requires that each parent:

Keep commitments

- * Be prompt in drop off and pick up
- * Give advance notice of any changes to the schedule
- * Discuss changes in the schedule directly with the other parent, *not your children*
- * Return children well-rested and with clean clothes

Keep the other parent informed about the children's events and activities

- * Arrange for school notices to be sent to both homes
- * Give as much advance notice as possible about the children's upcoming events
- * Include the other parent at children's events and activities
- * Coordinate schedules when children's activities overlap time in both homes

Make your children's time at your house a normal part of life

- * Help your children develop a space of their own in your house
- * Include everyday activities as well as occasional special events
- * Incorporate children's plans and activities in your schedule
- * Help your children develop friendships in your neighborhood
- * Plan activities that let you and your children build a stronger relationship
- * Include your children's friends in activities when appropriate
- * Develop rules and expectations for your children's behaviors in your home

Share information as needed with the other parent, including:

- * Changes in address or phone numbers at home and work
- * General information about others who will be providing care for your children, such as babysitters, romantic partners, grandparents, etc.
- * Medical, school, or behavior information
- * When possible, provide information in writing so the other parent has it available for later use. A logbook/journal that goes back and forth with the children can be a convenient way to do this.

Pay child support on time and regularly. Your children deserve the economic security of a stable household income. Unpaid child support is also likely to cloud your working relationship with other parent.

Be flexible when necessary to accommodate changes over the years in the lives of yourself, your children, and the other parent.

Treat each other with dignity and respect—no blaming, name-calling or threats.

Give each other the benefit of the doubt when something goes wrong



Children's Reactions in Dissolutions



Anger, hurt, sadness, anxiety, loneliness, relief, confusion and worry are common feelings children experience when their parents separate and go through a dissolution. Children worry a lot about their parents' feelings. This does not mean you must hide all feelings from them. Explaining that you will work on your feelings and that they do not need to take responsibility for you will give a child relief. Children need to hear that the dissolution was not their fault, or their decision. They will want to know over and over, in some cases, how the dissolution will affect them: where they will live; when they will see the other parent, friends and relatives. Following are specific behaviors for different age groups:

Infants & Toddlers

- Regression in terms of sleeping, toileting or eating
- Slowing down in mastery of new skills
- Trouble sleeping or going to sleep
- Afraid to leave parent; clinging to parent
- General crankiness, temper tantrums, crying.

Children ages 3-5

- Regression—returning to security blankets, discarded toys, lapses in toilet training
- Immature grasp of what has happened; bewildered; making up fantasy stories
- Blaming themselves and feeling guilty
- Anxious at bedtime, sleeping fretfully, waking frequently
- Fear of being abandoned by both parents; clinging to parents
- Emotionally needy; seeks nurturing and physical contact

Children ages 6-8

- Pervasive sadness; feels abandoned and rejected
- Crying and sobbing
- Afraid of unrealistic fantasies; often fantasizes about parents' reconciliation
- Blaming themselves and feeling guilty

Children ages 9-12

- Able to see the family disruption clearly; tries to bring order out of disorder
- Fear of loneliness
- Intense anger at the parent they blame for causing the divorce
- Physical complaints such as headaches and stomachaches
- Become overactive to avoid thinking about the divorce
- Ashamed of what is happening in their family; feel they are different from other children
- Blaming themselves and feeling guilty

Teenagers

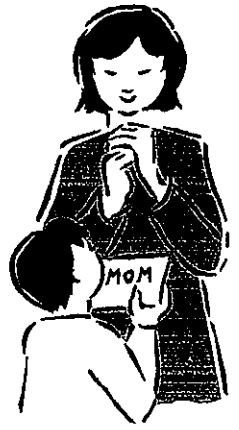
- Fear of being isolated and lonely
- Feels parents are not available to them and are leaving them
- Feels hurried to achieve independence
- Feels in competition with parents
- Worries about their own future loves & marriages; preoccupied with the survival of relationships
- Chronic fatigue; hard to concentrate
- Mourn the loss of the family of their childhood



Generally, all children are looking for a concrete reason and/or a person to blame. Boys and girls, especially during the teenage years, may exhibit different behaviors. For example, boys may often isolate themselves from the rest of the family, friends, or relatives.



A NEW FAMILY BILL of RIGHTS



Each child has the right to an independent and meaningful relationship with each parent.

Each child has the right to be free from listening to or being part of parents' battles. Neither parent uses the child as a go-between or uses the time spent with the other parent as a threat or bargaining chip.

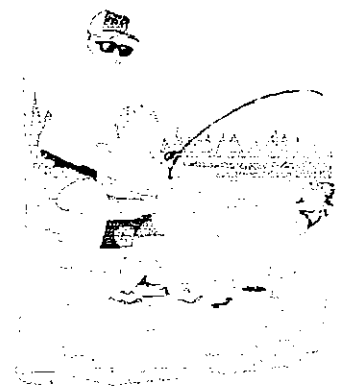


Each parent has the right and responsibility to contribute to the raising of his or her child.

Each parent has the right, during time spent with the children, to follow his or her own standards, beliefs, or style of child-raising without unreasonable interference from the other parent.



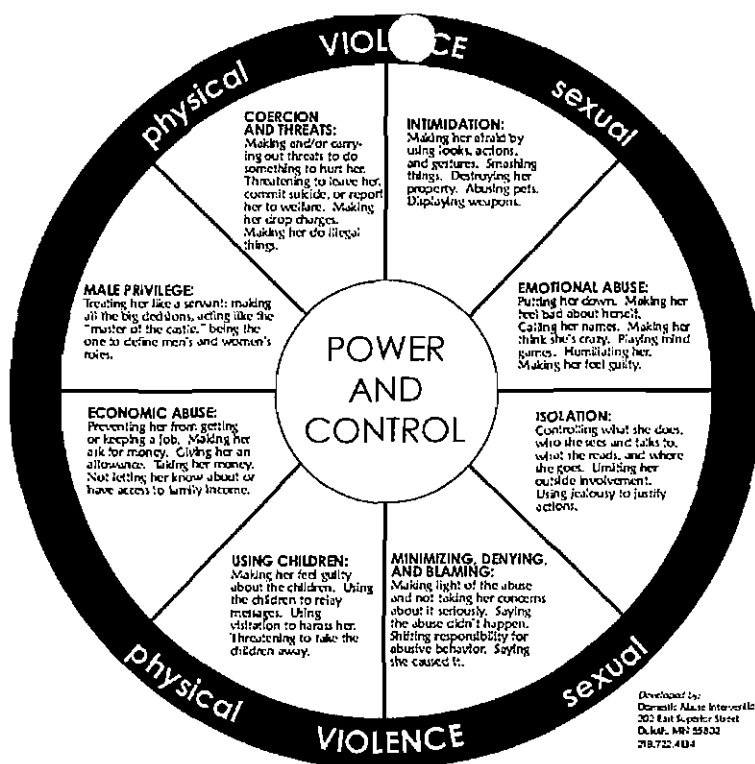
Each parent has the right to his or her own private life and territory.



Each parent and child has the right to call themselves a family, no matter how the children's time is divided.

If these guidelines work for you and your family, please tear this page out and hang it on your refrigerator as a reminder of each family member's rights.

From Mom's House, Dad's House: Making Shared Custody Work by Isolina Ricci, Ph.D.



Domestic Violence is a crime.

In Montana's statute, domestic violence is referred to as Partner or Family Member Assault (MCA 45-5-206).

Domestic Violence (intimate partner violence, battering and legal spouse abuse) occurs when a person uses or threatens physical violence, sexual violence, psychological or emotional abuse, stalking, and/or economic abuse to establish a pattern of coercive power and control over their intimate partner. Victims of domestic violence can be a spouse, ex-spouse, current or former boyfriend or girlfriend, or current or former dating partner (MCADSV, 2004).

Statistics collected by the National Institutes of Justice and the Bureau of Justice indicate that women are more at risk for becoming victims of domestic violence and men are more at risk for becoming perpetrators. According to their studies, women make up 90-95% of domestic violence victims while as many as 95% of domestic violence perpetrators are male.

There is an increased risk of partner violence among separating and divorcing families.

Cycle of violence



Violent outbreak phase:

Abuser explodes, there is a major destructive act against the victim. This act could be physical abuse, sexual assault, verbal abuse or emotional abuse.

Victim may blame him/herself, may fight back, may try to escape.



Honeymoon phase:

Abuser pursues the victim, promises to change, sends flowers, cards, letters, says he/she can't live without him/her, is charming and manipulative.

Victim wants to believe he/she will change, sees a glimpse of the person he/she fell in love with.



Tension building phase:

Abuser is edgy, not speaking, slamming doors, breaking things, etc. Could be agitated and picking on everyone.



Warning Signs

1. Unemployed or Underemployment
2. Emotional Dependency
3. High Investment in Marriage
4. Disrespecting Boundaries
5. Quick Involvement
6. Controlling Behavior
7. Jealousy
8. Abusive Family of Origin
9. Low Self-Esteem
10. Alcohol/Drug Abuse
11. Difficulty Expressing Emotions
12. Blames Others for His Feelings or Problems
13. Hypersensitivity
14. Dr. Jekyll and Mr. Hyde.
15. Unrealistic Expectations
16. Rigid Gender Roles
17. Rigid Religious Beliefs
18. Disrespect for Women in General
19. Emotional Abuse
20. Isolation
21. Reliance on Pornography
22. Sexual Abuse
23. Cruelty to Animals, Children, or Others
24. Past Violence
25. Fascination with Weapons
26. Threats of Violence
27. Breaking or Striking Objects
28. Any Force During an Argument

Statistics

- ◆ Approximately 1.3 million women and 835,000 men are physically assaulted by an intimate partner annually in the United States.
- ◆ Access to firearms yields a more than five-fold increase in risk of intimate partner homicide when considering other factors of abuse, according to a recent study, suggesting that abusers who possess guns tend to inflict the most severe abuse on their partners.
- ◆ According to the U.S. Department of Justice, between 1998 and 2002:
 - Of the almost 3.5 million violent crimes committed against family members, 49% of these were crimes against spouses.
 - 84% of spouse abuse victims were females, and 86% of victims of dating partner abuse were female.
 - Males were 83% of spouse murderers and 75% of dating partner murderers.
 - 50% of offenders in state prison for spousal abuse had killed their victims. Wives were more likely than husbands to be killed by their spouses: wives were about half of all spouses in the population in 2002, but 81% of all persons killed by their spouse.

During 2003 in Montana, there were more victims (11,562) of domestic violence than there were babies (11,384) born.

Children Coping with Family Violence

Perpetrators of abuse may use children to manipulate the victims; by harming the children directly; by threatening to harm or abduct the children; by using visitation as an occasion to harass or monitor victims; or by fighting protracted custody battles to punish victims. Perpetrators often invent complex rules about what victims or the children can or cannot do, and force victims to abide by these frequently changing rules (Carney & Bassil, 2004).



Resources

SAFE (Supports of Abuse Free Environments):
Services for domestic and sexual violence.
24 Hour Crisis Line 406-363-4600

YWCA Missoula: 543-6691, 1130 W. Broadway
Walk-in hours: M-F noon-4 p.m.
24 hr. crisis line: 542-1944 or 1-800-483-7858.

Child Care Resources: 728-6446, 127 E. Main St. Ste. 314
Provides info on registered day cares, as well as assisting in finding child care. They have a scholarship program to help pay for child care if deemed eligible (call for eligibility requirements).

Friends to Youth: 728-2662, 1515 E. Broadway
Provides group and individual counseling for ages 5-18 years old and their families.

Men Advocating Non-Violence (MAN) Program:
549-3727, 520 Pattee St. Counseling for intimate partner violence offenders.

The Parenting Place: 728-5437, 1644 S. 8th W
Provides parenting classes, support groups and a Parent Aide Program to prevent child abuse. Respite care, both on and off site is available for parents who need a break, Mondays 6:30 - 8:30 p.m. and Wednesdays, 5:30 - 8:30 p.m. with dinner. Must reserve at least a day in advance.

Families First: 721-7690, 815 E. Front St Ste. 3 Missoula
Families first is a nonprofit organization committed to the wellbeing of families of all backgrounds and life circumstances. They provide learning through play and parent support. The Parent Helpline is open M-F, 9-5 PM.

Recommended Reading for Parent.

- *Mom's House, Dad's House: The Complete Guide for Parents Who Are Separated, Divorced or Remarried.* by Isolina Ricci, 1997.
- *Does Wednesday Mean Dad's House or Mom's House?* by M. Ackerman, 1998.
- *Don't Divorce Us! Kid's Advice to Parents.* by R. Somers-Flanagan, C. Elander, J. Somers-Flanagan, 2000).
- *Families Apart: Ten Keys to Successful Co-Parenting.* by M. Blau, 1993.
- *Rebuilding: When your relationship Ends.* By B. Fisher and R.E. Alberti, 1999.
- *The Last Best Divorce Workbook: Six Lessons for Parents who Love Their Children.* By J. Somers-Flanagan and R. Somers Flanagan. (2005) Available at Families First, Missoula, 721-7690.
- *Caught in the Middle: Protecting the Children of High-Conflict Divorce.* by Mitchell Baris and Carla Garrity, 1994.



Recommended Reading for Younger Kids

- *Mama and Daddy Bear's Divorce.* by Cornelia M. Spelman, 1998. (Ages 2-6)
- *Was it the Chocolate Pudding?* by Sandra Levins, 2005 (Ages 2-6)
- *Two Homes.* by C Masurel and K. MacDonald Denton, 2003 (Ages 3-6)
- *It's Not Your Fault Koko Bear.* By Vicki Lanski, 1987 (Ages 3-7)
- *Dinosaur's Divorce.* by Marc Brown, 1986 (Ages 4-8)
- *Charlie Anderson.* by Barbara Abercrombie. (ages 4-6)



Recommended Reading for Grade School

- *My Family's Changing.* by Pat Levins, 1999. (ages 5-9)
- *At Daddy's on Saturdays.* by Linda Girard, 1987. (ages 6-9)
- *Pricilla Twice.* by Judith Casley, 1995. (ages 7-9)
- *Divorced but Still My Parents.* by Shirley Thomas and Dorothy Rankin, 1998. (ages 7-9)
- *Why are We Getting a Divorce?* by Peter Mayle, 1988. (ages 7-10)



Recommended Reading for Pre-teens

- *Mom's House, Dad's House for Kids.* By Isolina Ricci, 2006. (Ages 8 and up)
- *It's Not the End of the World.* by Judy Blume, 1972. (Ages 10-14)
- *The Divorce Express.* by Paula Danziger, 1998. (Ages 10-14).
- *Divorce Happens to the Nicest Kids.* by Michael Prokop, 1996. (Ages 9-12)
- *Divorce Is Not the End of the World: Zoe and Evan's Coping Guide for Kids.* By Zoe Stern, Evan Stern and Ellen Sue-Stern. 1997. (Ages 9-12)
- *My Parents are Divorced, Too.* by Melanie, Annie and Steven Ford, 1997. (ages 10-14).



Recommended Reading for Teens

- *Mom's House, Dad's House for Kids.* By Isolina Ricci, 2006. (Ages 8 and up)
- *How to Get it Together When Your Parents are Coming Apart.* by Arlene Richards & Irene Willis, 1976.
- *Solitary Blue.* by Cynthia Voight, 1983.
- *Teens are not Divorceable: A workbook for Divorced Parents and Their Teens.* by Sara Bonkowski, 1990.



RAVALLI AND MISSOULA COUNTY RESOURCES	
Bitterroot GAL Services	961-4535
Bitterroot Public Library	363-1670
Bitterroot Job Service	363-1822
Child & Family Services	363-1961
Community Dispute Resolution Center	543-1157
CSED - Child Support Enforcement	329-7910
Families First	721-7690
Family Concepts	880-6073
Haven House Food Bank	363-2450
Human Resource Council	363-6101
MT Legal Services	800-666-6899 543-8343
Office of Public Assistance	363-1944
Parenting Place	728-5437
Planet KIDS	542-3346
Ravalli Cty Extension Office	375-6611
S.A.F.E.	363-2793
Star Jameson - Visitation/Mediation	546-5344
United Way	375-0937

The following websites have useful legal forms and information for dissolutions and parenting plans:

Ravalli County	www.ravallcounty.mt.gov/districtcourt/forms.htm
Mont Law Help	www.montanalawhelp.org
Montana State Bar	www.montanabar.org
Montana State Library	www.courts.mt.gov/library/topic/default.mcp
UM Law Library	www.umt.edu/law/library/Research%20Tools/Research%20Tools.htm

PROTECTING OUR CHILDREN

It is not uncommon for children to become caught in the middle of their parent's conflict. Sometimes they are intentionally placed in the middle by one or both parents. Other times, parents don't realize when their behavior places children in the middle of the conflict. Children are caught between their parents in a variety of ways:

- As Message Carriers → Communicate your messages and concerns directly to the other parent. You may need to set up a regular meeting time to do this.
- Through Put-downs → You may need to talk to someone to express your negative feelings. If so, find an adult friend who will listen to your frustrations and keep them in confidence.
- Over Money → Take your concerns about money directly to the other parent. If that yields no effect, check into your legal options to enforce regular payments.
- Through Prying → Let your children take the initiative in talking about their time with the other parent. They won't feel like you're prying into the privacy of the other parent. Also, set limits on the amount of information regarding the other parent that you are willing to hear.
- By Being Asked to Choose One Parent Over the Other → Children need permission to love and be loved by both parents without any strings attached.

There are two main rules to follow, especially during times of crisis and instability in your family:

1. Do not burden your children with situations they cannot control. Children should not bear such a responsibility. It will promote feelings of helplessness and insecurity, causing them to question their own strengths and abilities.
2. Do not ask your children to deal with adult issues. Children are not equipped to understand adult problems. Their focus should be on navigating the various stages of child development they go through.

What Harms Children

Many studies have been done on children of divorce, and one finding stands out as the strongest and most consistent outcome:

Children who are exposed to conflict between parents experience more stress, more anxiety, and have a harder time adjusting to their new family form.

This is equally true for married families who have not separated.

Children who see their parents in conflict have more problems at school, with their friends, in the community, and at home.

- ❑ Parental conflict interrupts a child's development.
- ❑ It damages the child's relationship with each parent, it creates stress and anxiety, and it denies the child of sense of safety.
- ❑ Over time, children exhibit depression, behavior problems, and aggression.

A 1992 study conducted by Eleanor Maccoby and Robert Mnookin found that teenagers, whose parents had divorced and been in conflict 4 to 5 years, fared poorly. ***The teenagers experienced more depression and negative teenage behavior such as school problems, substance abuse, and delinquent behavior than teenagers whose parents were not in conflict.***

→ ***The teenagers most affected felt caught in the middle of their parents.***

The damage to children does not end when they are teenagers. Children caught in the parental conflict experience difficulties into adulthood. ***These children have not learned communication skills or tools to settle differences and conflicts. As a result, they are frequently unable to maintain their own marriages and relationships.***

In addition, these children live two separate lives trying to please and gain approval from Mom and Dad. ***As adults, these children are confused and they lack a sense of who they are. Plus, they are unable to tolerate mistakes or accept that there is good and bad in everyone.***

Every time children see their mother and father in conflict, their hearts are pulled apart. Their two favorite people are yelling at each other, showing disrespect, putting down or criticizing the other one. That wound to the heart is forever open.

Children's Needs While Going Through a Divorce

A child's psychological needs are greatly increased during and after a divorce because of what they are experiencing (emotional roller coaster) and feeling (guilt, fear and confusion). By meeting their needs, you can help minimize the negative effects your child has to experience as a result of divorce.

- ❑ **Acceptance**

This will be a child's greatest need because their self-concept is very likely in a fragile and formative stage, especially if they are young.

They will try to gain approval because their sense of belonging to the family has been shattered.

They need to know that they are accepted and valued for who they are.

- ❑ **Assurance of Safety**

Parents need to go beyond normal efforts to assure their children that although the family has fragmented, their protection is solid.

The key is to maintain a normal pace, boundaries and routines. They need to have predictability in their lives.

- ❑ **Freedom from guilt or blame for the divorce**

Children tend to personalize things and blame themselves. If mom and dad are fighting and divorcing, they personalize it. They often think their misbehavior caused the divorce and they're being punished for it by the breakup of their parents. Assure them that they're blameless.

- ❑ **Need for structure**

With the loss of a parent from the home, children will check and test for structure. They need structure more than any other time in their lives, because this is when things seem to be falling apart for them.

Enforce discipline consistently. They need to see that life continues and they're still an integral part of what's going on.

- ❑ **Need for a stable parent to take care of business**

They're worried about both parents, especially if there's an apparent crisis. Whether or not you feel brave and strong, do everything possible to assure them of your strength and resilience. They need to know that you are still taking care of them (as well as yourself). Ask for help if needed. In doing so, you make it possible for them to relax.

- ❑ **Need to let kids be kids**

Children should not be given the job of healing your pain or to serve as armor or as saviors for their parents in crisis.

Avoid telling too much about what's going on between you and your ex-spouse, except on a need-to-know basis (what affects them directly).

HELPING CHILDREN ADJUST TO DIVORCE: Age-Related Issues & What Helps

Possible Reactions of INFANTS and TODDLERS: [trust, bonding, independence]

- Regression in behavior
- Sleep difficulties
- Cranky or aggressive behavior
- Difficulties with separation

What Helps:

- Consistency in daily routines
- Lowered expectations for “grown-up” behavior
- Comfort and affection

Possible Reactions of PRESCHOOLERS: [take initiative]

- Feelings of self-blame
- Fears of abandonment
- Possessiveness and difficulty sharing

What Helps:

- Reassurance that children are not to blame for problems between parents
- Letting children know what to expect: preparing children ahead of time for events or changes in routine can help minimize anxiety
- Acknowledge child’s need to ‘hold on’ to things and not share (which is usually temporary)
- Acknowledging feelings while continuing to set appropriate limits

Possible Reactions of SCHOOL AGED CHILDREN: [industry=work hard]

- Feelings of sadness and longing
- Fears of being replaced (e.g. “Will Daddy get a new wife?” “Will Mommy have a new baby?”)
- Fantasies and/or hopes that parents will get back together

What Helps:

- Acknowledging feelings (e.g. “I wonder if you’re worrying...”)
- Answering questions honestly and directly (e.g. “Maybe someday Daddy will get married again...”)
- Encouraging friendships and outside activities
- Alerting teachers to changes at home

Possible Reactions of PRETEENS and TEENS: [identity]

- Feelings of anger toward one or both parents
- Concern about their own capacity for intimate relationships
- Acting out sexually or experimentation with drugs

What Helps:

- Non-threatening, non-probing communication
- Respecting adolescents’ needs for privacy and independence
- Setting age-appropriate limits
- Engaging adolescents in problem-solving, whenever possible

Rule 33. PARENTING AND VISITATION GUIDELINES

A powerful cause of stress, suffering, and maladjustment in children of divorce is not simply the divorce itself, but continuing conflict between the parents before, during and after the divorce. To minimize conflict over the children, the parents should agree on a parenting arrangement that is most conducive to the children having frequent and meaningful contact with both parents with as little conflict as possible. When parents' maturity, personality and communication skills are adequate, the ideal arrangement is reasonable visitation upon reasonable notice, since that provides the greatest flexibility. The next best arrangement is a detailed visitation agreement made by the parents to fit their particular needs and, more importantly, the needs of the children. If the parents are unable to agree, however, the following guidelines will help the parents in knowing what the presiding judge in the Twenty-First Judicial District believes are generally reasonable, unless special circumstances require a different arrangement. (See Paragraph 1.17 below.) Unless these guidelines are incorporated in a court order, they are not compulsory rules, only a general direction for parents. In the event visitation becomes an issue in court, the judge reserves the right to set whatever visitation schedule best meets the needs of the children in that case.

1. GENERAL RULES

Parents should always avoid speaking negatively about the other and should firmly discourage such conduct by relatives or friends. In fact, the parents should speak in positive terms about the other parent in the presence of the children. Each parent should encourage the children to respect the other. Children should never be used by one parent to spy on the other. The basic rules of conduct and discipline established by the custodial parent should be the base-line standard for both parents and any step-parents, and consistently enforced by all, so that the children do not receive mixed signals.

Children will benefit from continued contact with all relatives and family friends on both sides of the family for whom they feel affection. Such relationships should be protected and encouraged. But relatives, like, parents, need to avoid being critical of either parent in front of the children. Parents should have their children maintain ties with both the maternal and paternal relatives. In Montana grandparents have a legal right to reasonable visitation with their grandchildren, if it is in their best interests. Usually the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives during times they are with their mother.

In cases where both parents resided in the same community at the time of separation, and then one parent left the area, thus changing the visitation pattern, the court will consider imposing the travel costs for the children necessary to facilitate future visits on the parent who moved. The court will also consider other factors, however, such as the economic circumstances of the parents and the reasons prompting the move.

- 1.1 **Parental Communication.** Parents should always keep each other advised of their home and work addresses and telephone numbers. As far as possible, all communication concerning the children shall be conducted between the parents themselves in person, or by telephone at their residences and not at their places of employment.
- 1.2 **Grade Reports and Medical Information.** The custodial parent shall provide the noncustodial parent with grade reports and notices from school as they are received and shall permit the noncustodial parent to communicate concerning the child directly with the school and with the children's doctors and other professionals outside the presence of the custodial parent. Each parent shall immediately notify the other of any medical emergencies or serious illnesses of the children. The custodial parent shall notify the noncustodial parent of all school or other events (like Church or Scouts) involving parental participation. If the child is taking medications, the custodial parent shall provide a sufficient amount and appropriate instructions.
- 1.3 **Visitation Clothing.** The custodial parent shall send an appropriate supply of children's clothing with them, which shall be returned clean (when reasonably possible), with the children, by the noncustodial parent. The noncustodial parent shall advise, as far in advance as possible, of any special activities so that the appropriate clothing may be sent.
- 1.4 **Withholding Support or Visitation.** Neither visitation nor child support is to be withheld because of either parent's failure to comply with a court order. Only the court may enter sanctions for non-compliance. Children have a right both to support and visitation, neither of which is dependent upon the other. In other words, no support does not mean no visitation and no visitation does not mean no support. If there is a violation of either a visitation or a support order, the exclusive remedy is to apply to the court for appropriate sanctions.
- 1.5 **Adjustments in This Visitation Schedule.** Although this is a specific schedule, the parties are expected to fairly modify visitation when family necessities, illnesses or commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.
- 1.6 **Custodial Parent's Vacation.** Unless otherwise specified in a court order or agreed by the parties, the custodial parent is entitled to a vacation with the children for a reasonable period of time, usually equal to the vacation time the noncustodial parent takes with the children. The custodial parent should plan a vacation during the time when the noncustodial is not exercising extended visitation.
- 1.7 **Insurance Forms.** The parent who has medical insurance coverage on the children shall supply, as applicable, insurance forms and a list of insurer-approved

or HMO-qualified health care providers in the area where the other parent is residing. A parent who, except in an emergency, takes the children to a doctor, dentist or other provider not so approved or qualified should pay the additional cost thus created. However, when there is a change in insurance which requires a change in medical care providers and a child has a chronic illness, thoughtful consideration should be given by the parties to what is more important: allowing the child to remain with the original provider or the economic consequences of changing. When there is an obligation to pay medical expenses, the parent responsible therefor shall be promptly furnished with the bill by the other. The parents shall cooperate in submitting bills to the appropriate insurance carrier. Thereafter, the parent responsible for paying the balance of the bill shall make arrangements directly with the health care provider and shall inform the other parent of such arrangements. Insurance refunds should be promptly turned over to the parent who paid the bill for which the refund was paid.

- 1.8 **Child Support Abatement.** Unless a court order otherwise provides, support shall not abate during any visitation period.
- 1.9 **Missed Visitation.** When a scheduled visitation cannot occur due to events beyond either parents' control, such as illness of the parent exercising visitation or the child, a mutually agreeable substituted visitation date shall be arranged, as quickly as possible. Each parent shall timely advise the other when a particular visitation cannot be exercised. Missed visitation should not be unreasonably accumulated.
- 1.10 **Visitation a Shared Experience.** Because it is intended that visitation be a shared experience between siblings and, unless these Guidelines, a court order, or circumstances, such as age, illness, or the particular event, suggest otherwise, all of the children shall participate in any particular visitation.
- 1.11 **Telephone Communication.** Telephone calls between parent and child shall be liberally permitted at reasonable hours and at the expense of the calling parent. The custodial parent may call the children at reasonable hours during those periods the children are on visitation. The children may, of course, call either parent, though at reasonable hours, frequencies and at the cost of the parent called if it is a long distance call. During long vacations the parent with whom the child is on vacation is only required to make the child available to telephone calls every five days. At all other times the parent the child is with shall not refuse to answer the phone or turn off the phone in order to deny the other parent telephone contact. If a parent uses an answering machine, messages left on the machine for the child should be returned. Parents should agree on a specified time for calls to the children so that the children will be made available.

- 1.12 **Mail Contact.** Parents have an unrestricted right to send cards, letters and packages to their children. The children also have the same right with their parents. Neither parent should interfere with this right.
- 1.13 **Privacy of Residence.** A parent may not enter the residence of the other except by express invitation of the resident parent, regardless of whether a parent retains a property interest in the residence of the other. Accordingly, the children shall be picked up and returned to the front entrance of the appropriate residence. The parent dropping the children off should not leave until the children are safely inside. Parents should refrain from surprise visits to the other parent's home. A parent's time with the children is their own, and the children's time with that parent is equally private.
- 1.14 **Children Under Age Five.** Infants (children under eighteen months of age) and toddlers (eighteen months to three years) have a great need for continuous contact with the primary caretaker who provides a sense of security, nurturing and predictability. Generally overnight visits for infants and toddlers are not recommended unless the noncustodial parent is very closely attached to the child and is able to provide primary care. Older preschool age children (three to five) are able to tolerate limited separations from the primary caretaker. The following guidelines for children under age five are designed to take into account the child's developmental milestones as a basis for visitation. Since children mature at different rates these may need to be adjusted to fit the child's unique circumstances. These guidelines may not apply to those instances where the parents are truly sharing equally all the caretaking responsibilities for the child and the child is equally attached to both parents. Yet in the majority of situations where the custodial parent has been the primary caretaker and the noncustodial parent has maintained a continuous relationship with the child but has not shared equally in child caretaking the following guidelines should generally apply:

A. **Infants - Birth to Six Months.** Alternate parenting plans:

- (1) Three two-hour visits per week, with one weekend day for six hours; or
- (2) Three two-hour visits per week, with one overnight on a weekend for no longer than a twelve hour period, if the child is not breast feeding and the noncustodial parent is capable of providing primary care.

B. **Infants - Six to Eighteen Months.** Alternate parenting plans:

- (1) Three, three-hour visits per week with one weekend day for six hours; or

- (2) Same as (1), but with one overnight not to exceed twelve hours, if the child is not breast feeding and the noncustodial parent is capable of providing primary care; or
- (3) Child spends time in alternate homes, but spends significantly more time at one of them and no more than two twelve-hour overnights per week at the other. This arrangement should be considered only for mature, adaptable children and very cooperative parents.

C. **Toddlers - Eighteen to Thirty-Six Months:** Alternate parenting plans:

- (1) The noncustodial parent has the child up to three times per week for a few hours on each visit, on a predictable schedule; or
- (2) Same as (1) but with one overnight per week; or
- (3) Child spends time in alternate homes, but with more time in one than the other with two or three overnights spaced regularly throughout the week. This requires an adaptable child and cooperative parents.

D. **Preschoolers - Three to Five Years Old.** Alternate parenting plans:

- (1) One overnight visit (i.e. Saturday morning to Sunday evening) on alternate weekends and one midweek visit with the child returning to the custodial parent's home at least one-half hour before bedtime; or
- (2) Two or three nights at one home, spaced throughout the week, the remaining time at the other home. In addition, for preschoolers, a vacation of no longer than two weeks with the noncustodial parent.

E. **Children in Day Care.** In families where a child has been in day care prior to the parental separation, the child may be able to tolerate flexible visits earlier because the child is more accustomed to separations from both parents. The noncustodial parent who exercises visitation of a child under age five should not during the visits place the child with a baby-sitter or day care provider. If the noncustodial parent cannot be with the child personally, the child should be returned to the custodial parent. Visiting for short periods with relatives may be appropriate, if the relatives are not merely serving as baby-sitters.

- 1.15 **Visitation with Adolescents.** Within reason the parents should honestly and fairly consider their teenager's wishes on visitation. Neither parent should attempt to pressure their teenager to make a visitation decision adverse to the other parent. Teenagers should explain the reasons for their wishes directly to the affected parent, without intervention by the other parent.
- 1.16 **Day Care Providers.** When parents reside in the same community, they should use the same day care provider. To the extent possible the parents should rely on each other to care for the children when the other parent is unavailable.
- 1.17 **Special Circumstances.**
- A. **Child Abuse.** When child abuse has been established and a continuing danger is shown to exist, all visitation should cease or only be allowed under supervision, depending on the circumstances. Court intervention is usually required in child abuse cases.
 - B. **Spouse Abuse.** Witnessing spouse abuse has long-term, emotionally detrimental effects on children. Furthermore, a person who loses control and acts impulsively with a spouse, may be capable of doing so with children as well. Depending on the nature of the spouse abuse and when it occurred, the court may require an abusive spouse to successfully complete appropriate counseling before being permitted unsupervised visitation.
 - C. **Substance Abuse.** Visitation should not occur when a noncustodial parent is abusing drugs/alcohol.
 - D. **Long Interruption of Contact.** In those situations where the noncustodial parent has not had an ongoing relationship for an extended period, visitation should begin with brief visits and a very gradual transition to the visitation in these guidelines.
 - E. **Kidnapping/Threats.** Noncustodial parents who have kidnapped or hidden the children or threatened to do so should have no visitation or only supervised visits.
 - F. **Breast Feeding Child.** Forcibly weaning a child, whether breast feeding or bottle feeding, during the upheaval of parental separation is not appropriate for the physical health or emotional well-being of the child. Until weaning has occurred without forcing, a nursing infant should have visits of only a few hours each. A parent should not use breast feeding beyond the normal weaning age as a means to deprive the other parent of visitation.

- G. **A Parent's New Relationship.** Parents should be sensitive to the danger of exposing the children too quickly to new relationships while they are still adjusting to the trauma of their parent's separation and divorce.
- H. **Religious Holidays and Native American Ceremonies.** Parents should respect their children's needs to be raised in their faith and in keeping with their cultural heritage and cooperate with each other on visitation to achieve these goals. These goals should not be used to deprive the noncustodial parent of visitation.
- I. **Other.** The court will limit or deny visitation to noncustodial parents who show neglectful, impulsive, immoral, criminal, assaultive or risk-taking behavior with or in the presence of the children.

2. VISITATION OF CHILDREN OVER AGE FIVE WHEN THERE IS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE NO MORE THAN 200 MILES APART

- 2.1 **Weekends.** Alternate weekends from Friday at 5:30 P.M. to Sunday at 7 P.M.; the starting and ending times may change to fit the parents' schedules. Or an equivalent period of time if the visiting parent is not available on weekends and the child does not miss school. In addition, if time and distance allow, one or two midweek visits of two to three hours. All transportation for the midweek visits are the responsibility of the visiting parent.
- 2.2 **Mother's Day - Father's Day.** The alternate weekends will be shifted, exchanged or arranged so that the children are with their mother each Mother's Day weekend and with their father each Father's Day weekend. Conflicts between these special weekends and regular visitation shall be resolved pursuant to Paragraph 1.9.
- 2.3 **Extended Visitation.** One-half of the school summer vacation. At the option of the noncustodial parent, the time may be consecutive or it may be split into two blocks of time. If the child goes to summer school and it is impossible for the noncustodial parent to schedule this visitation time other than during summer school, that parent may elect to take the time when the child is in summer school and transport the child to the summer school session at the child's school or an equivalent summer school session in the noncustodial parent's community.
- 2.4 **Winter (Christmas) Vacation.** One-half the school winter vacation, a period which begins the evening the child is released from school and continues to the evening of the day before the child will return to school. If the parents cannot agree on the division of this period, the noncustodial parent shall have the first half in even-number years. If the parents live in the same community, in those years when Christmas does not fall in a parent's week, that parent shall have from

noon to 9 P.M. on Christmas Day. For toddlers and preschool age children, when the parents live in the same community, the parents should alternate each year Christmas Eve and Christmas Day so that the children spend equal time with each parent during this holiday period.

- 2.5 **Holidays.** Parents shall alternate the following holiday weekends: Easter, Memorial Day, the 4th of July, Labor Day and Thanksgiving. Thanksgiving will begin on Wednesday evening and end on Sunday evening; Memorial Day and Labor Day Weekends will begin on Friday and end on Monday evening; Easter weekend will begin on Thursday evening and end on Sunday evening; while the 4th of July, when it does not fall on a weekend, shall include the weekend closest to the 4th. Holiday weekends begin at 5:30 P.M. and end at 7 P.M. on the appropriate days.
- 2.6 **Children's Birthdays.** Like the holidays, a child's birthday shall be alternated annually between the parents. If the birthday falls on a weekend, it shall extend to the full weekend, and any resulting conflict with regular visitation shall be resolved pursuant to Paragraph 1.9. If the birthday falls on a weekday, it shall be celebrated from 3 P.M. to 9 P.M. (or so much of that period as the noncustodial parent elects to use).
- 2.7 **Parents' Birthdays.** The children should spend the day with the parent who is celebrating their birthday, unless it interferes with a noncustodial parent's extended visitation during vacation.
- 2.8 **Conflicts Between Regular and Holiday Weekends.** When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday takes precedence. Thus, if the noncustodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating visitation schedule will resume following the holiday. If the noncustodial parent receives two consecutive weekends because of a holiday, regular alternating visitation will resume the following weekend with the custodial parent. The parents should agree to make up missed weekends due to holiday conflicts.
- 2.9 **Visitation Before and During Vacations.** There will be no visitation the weekend(s) before the beginning of the noncustodial parent's summer vacation visitation period(s), regardless of whose weekend it may be. Similarly, that parent's alternating weekend visitation(s) shall resume the second weekend after each period of summer vacation that year. Weekend visitation "missed" during the summer vacation period will not be "made up." During any extended summer visitation of more than three consecutive weeks, it will be the noncustodial parent's duty to arrange, for a time mutually convenient, a 48-hour continuous period of visitation for the custodial parent unless impracticable because of distance.

- 2.10. **Notice of Canceled Visitation.** Whenever possible, the noncustodial parent shall give a minimum of three days notice of intent not to exercise all or part of the scheduled visitation. When such notice is not reasonably possible, the maximum notice permitted by the circumstances, and the reason therefor, shall be given. Custodial parents shall give the same type of notice when events beyond their control make the cancellation or modification of scheduled visitation necessary. If the custodial parent cancels or modifies a visit because the child has a schedule conflict, the noncustodial parent should be given the opportunity to take the child to the scheduled event or appointment.
- 2.11. **Pick Up and Return of Children.** When the parents live in the same community, the responsibility of picking up and returning the children should be shared. Usually the noncustodial parent will pick up and the custodial parent will return the children to that parent's residence. The person picking up or returning the children during times of visitation has an obligation to be punctual: to arrive at the agreed time - not substantially earlier or later. Repeated, unjustified, violations of this provision may subject the offender to court sanctions.
- 2.12. **Additional Visitation.** Visitation should be liberal and flexible. For many parents these guidelines should be considered as only a minimum direction for interaction with the children. These guidelines are not meant to foreclose the parents from agreeing to such additional visitation as they find reasonable at any given time.

3. VISITATION OF CHILDREN OVER AGE FIVE WHEN SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE MORE THAN 200 MILES APART

- 3.1 **Extended Visitation.** All but three weeks of the school summer vacation period and, on an alternating basis, the school Winter (Christmas) vacation and Spring Break.
- 3.2 **Priority of Summer Visitation.** Summer visitation with the noncustodial parent takes precedence over summer activities (such as Little League) when the visitation cannot be reasonably scheduled around such events. Even so, the conscientious noncustodial parent will often be able to enroll the child in a similar activity.
- 3.3 **Notice.** At least 60 days notice should be given of the date for commencing extended visitation, so that the most efficient means of transportation may be obtained and the parties and the children may arrange their schedules. Failure to give the precise number of days notice does not entitle the custodial parent the right to deny visitation.

- 3.4 **Additional Visitation.** Where distance and finances permit, additional visitation, such as for holiday weekends or special events, are encouraged. When the noncustodial parent is in the area where the child resides, or the child is in the area where the noncustodial parent resides, liberal visitation shall be allowed and because the noncustodial parent does not get regular visitation, the child can miss some school during the visits so long as it does not substantially impair the child's scholastic progress.

4. **PARENTAL CHANGE OF RESIDENCE**

- 4.1 The provisions of Section 40-4-217, M.C.A. shall be followed with regard to parental changes of residence.
- 4.2 A move involving relocation of the child(ren) which is opposed by the other parent shall be evaluated under the best interests of the child criteria. In addition, the Court shall consider the following:
- A) The parent's good faith in moving;
 - B) The child's attachment to each parent;
 - C) The possibility of devising a visitation schedule that will allow meaningful contact with the non-custodial parent;
 - D) The quality of life in the proposed new home; and
 - E) The negative impact of continued hostility between the parents if the Court disapproves the relocation.
 - F) Availability of health insurance for the children in either location.

PARENTING PLAN MEDIATION

The Montana Twenty-First Judicial District offers parties the opportunity to self-refer for the services of a mediator to assist in developing a parenting plan, an interim parenting plan, or a final parenting plan. Under Montana law, a parenting plan is required in each of the following proceedings that involves a child:

- Dissolution of Marriage
- Legal Separation
- Parenting Plan
- Declaration of Invalidity of Marriage

=====

Do you need assistance with the following?

- Arriving at a parenting plan that is compatible with both parents until the dissolution is final;
- Reaching a final parenting plan that is workable for both parents.

Mr. Noel Stout has offered his services as facilitator/mediator in parenting plan negotiations. He has experience working with the Missoula court system and the Community Dispute Resolution Center of Missoula County and is now offering his services here in Ravalli County.

Appointments for mediation sessions will be scheduled on Thursdays at 11:00 a.m. or 1:30 p.m. in a conference room located at the Ravalli County Courthouse. Most mediations of this type can be resolved in one or two sessions. The charge for this service is \$20 per person, per session.

This is an alternate option available to you -- other than proceeding through a court-ordered settlement conference, which can cost an average of \$70-\$200 per hour.

If you are interested in using Mr. Stout's services, please complete the attached Referral Sheet and return it to the Clerk of District Court. Mr. Stout will then contact you to arrange a session.



Noel Stout

Mediation • Facilitations • Negotiations

We develop
Parenting Plans

Divorce and separations are difficult especially when children are involved. We are not attorneys nor do we work for the court. We are trained mediators who donate our time. We will focus on what is best for the children and what the children will want from each parent. We will try to help you develop your **Parenting Plan.**

Call us,
Res. **406-273-2750**



MONTANA TWENTY-FIRST JUDICIAL DISTRICT
Ravalli County

JEFFREY H. LANGTON
District Court Judge
Department #1, Courtroom #1

JAMES A. HAYNES
District Court Judge
Department #2, Courtroom #2

Ravalli County Courthouse
205 Bedford Street, Suite A & B
Hamilton, MT 59840
Phone: (406) 375-6780
Fax: (406) 375-6785

PARENTING PLAN MEDIATION SELF REFERRAL

Date: _____ Case Number: _____ Case Name: _____

Parent: _____ Parent: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Child: _____ Child: _____

Age: _____ M F Age: _____ M F

Residing with: _____ Residing with: _____

Child: _____ Child: _____

Age: _____ M F Age: _____ M F

Residing with: _____ Residing with: _____

(If you have more than four children, please attach a separate sheet of paper with their information)

The parties are in the process of : 1. Marital dissolution _____ 2. Legal separation _____
3. Non-married parenting plan _____ 4. Parenting plan modification _____
5. Other _____

Briefly describe what your mediation issues are: _____

Who is requesting this mediation?: Mother ____ Father ____ Both ____ Other (Please specify) _____

For Ravalli County Families In Transition During Divorce

MEDIATORS			
Bitterroot Visitation & Mediation Services	Assist in creating parenting plans and visitation between parents that is safe, fun and predictable. Visitation and Mediation Services. Provides supervised visitation.	Star Jameson, BSW	406-546-5344
Community Dispute Resolution Center	Help co-parents solve problems and deal with conflict. Assist in creating workable parenting arrangements. Facilitate communication, provide opportunity to re-establish communication. Solve problems - not fix blame. Conserve resources, both emotionally and financially.	519 S Higgins Missoula MT www.cdrcmissoula.org	406-543-1157
Noel Stout	Assists co-parents in establishing workable parenting plans.	Ravalli County Courthouse	Info available at the Clerk of Court's Office
SUPERVISED VISITATION			
Family Concepts	Parenting classes, supervised visitation, and safe exchanges.	277 Woodside Road, Corvallis	375-6008 or 880-4787 961-3102
Bitterroot Visitation & Mediation Services	Assist in creating parenting plans and visitation between parents that is safe, fun and predictable. Visitation and Mediation Services. Provides supervised visitation.	Star Jameson, BSW	406-546-5344
Bitterroot Visitation & Mediation Services	Assist in creating visitation between parents that is safe, fun and predictable. Visitation and Mediation Services. Adult anger management classes.	Star Jameson, BSW www.bitterrootvms.com	Cell 546-5344 Eve 363-4026
Planet Kids	Visitation Center. Assistance in arranging contact between parents and children, provide educational opportunities and resources to parents. Also an exchange center. On-site or exchange monitoring.	Missoula, MT	406-542-3346
PARENTING CLASSES			
Families First	Parenting classes, consultations. Committed to the well being of families of all backgrounds. Parent Helpline. Also has a Hamilton branch.	815 E Front St - Suite 3 Missoula, MT	721-7690
Family Concepts	Parenting classes and supervised visitation.	277 Woodside Road - Corvallis	375-6008 or 880-4787
The Parenting Place	Parenting classes, support groups, parent aide program to prevent child abuse, respite care.	1644 S 8 th West Missoula MT 59806	406-728-5437
Kids First	Summer camps, after school programs, play groups, etc.	Hamilton, MT	406-375-9588

LEGAL

Montana Legal Services	Free legal services for qualified individuals	211 North Higgins Ave., Suite 401 Missoula, MT 59802 www.montanalawhelp.org	1-800-666-6899
Child Support Enforcement Division (CSED)	Services provided to either parent, or a 3 rd party with whom child resides. Locate services, paternity establishment, support orders, enforcement, medical support enforcement, monitor collection and payments	2675 Palmer St - Suite C Missoula MT http://www.dphhs.mt.gov (Select: Contact Child Support)	406-329-7910
Ravalli County District Court	Local Rules, Forms, instructions, legal resources	www.rc.mt.gov/districtcourt	
State Law Library	Forms, Rules	http://courts.mt.gov/library	800-710-9827
Montana Code Annotated	Family Law Statutes	http://data.opi.mt.gov/bills/mca_toc/40.htm	
Ravalli County Clerk of Court	Keeper of the records for District Court cases.	www.rc.mt.gov/clerkofcourt	406-375-6710
MT State Law Library Self Help Center	Provide information to understand legal rights and responsibilities. Gives directions to proper resources.		406-444-9300

OTHER HELPFUL RESOURCES

Cyndi McNeil, MS, LMFT	Marriage and family therapy - specializing in child and family relationship issues, attachment disorders, trauma recovery, couples therapy, adoptive families, combat trauma/PTSD, play therapy	217 Main Street, #6 Hamilton, MT 59840 cyndi@center4hopeandhealing.com www.center4hopeandhealing.com	406 381-1374
Barb Lucas	Individual counseling and ongoing facilitator during and after peaceful divorce.	140 Cherry Street, Suite 103 Hamilton MT 59840 counselorbarb08@gmail.com	406-363-4463
Child Care Resources	Provides info on registered day cares, assist in finding child care. Scholarship program available.	127 E Main - Ste 314 - Missoula www.childcareresources.org	728-6446
Bitterroot Covering Kids	CHIP is a free or low-cost health insurance plan. This state- plan provides health insurance to eligible Montana children up to age 19	chip@mt.gov www.chip.mt.gov	800-421-6667 877-543-7669
Bitterroot Job Service	Assistance to jobseekers.	333 Main Street - Hamilton	363-1822
Commodity Center	Used clothing & household goods available at low prices.	215 N 6 th Street - Hamilton	363-2134
Ravalli Services Thrift Store	Used clothing & household goods available at low prices.	950 N 1 st Street - Hamilton	363-3573
SAFE on First Thrift Store	Used clothing & household goods available at low prices.	410 N 1 st Street - Hamilton	363-4422

Divorce Care 4 Kids (DC4K)	13 week class for kids aged 5-12 experiencing divorce, includes games, role playing, discussions; usually run concurrently with Divorce Care Support Group for parents	Canyon View Church 195 Skalkaho Hwy - Hamilton http://hamiltonalliancechurch.org	363-0875
Divorce Care Support Group	13 week Bible based seminar/support group for divorced and separated parents; usually run concurrently with Divorce Care 4 Kids (DC4K)	Canyon View Church 195 Skalkaho Hwy - Hamilton http://hamiltonalliancechurch.org	363-0875
First Call for Help	Telephonic information and referral M-F 10am - 5pm		211
A.W.A.R.E., Inc.	AWARE provides quality, community-based services to persons with challenging mental, emotional, and in some cases, physical needs.	316 N 3rd - Suite 107 Hamilton MT 59840	Ph: 406-363-3846
FOOD BANKS	Haven House MWF 10am-2pm Pantry Partners MWF 12:30-3pm Food Stamp Hotline	316 N 3 rd - Ste 1343 - Hamilton 616 Park Street - Stevensville	363-2450 777-0351 1-800-332-2272
Panic Attack and Anxiety Program	M/W 7pm	Conference Call / Online	732-940-9658
PLUK	Special education & topics on disabilities for parents & educators.		327-4645 877-219-9986
Ravalli County Office of Public Assistance - DPHHS	Administer federal public assistance programs. Food stamps, Medicaid, Cash Assistance.	310 N 3 rd Street Hamilton MT	363-1944
Ravalli County WIC Program	Nutrition program for pregnant, postpartum and nursing women and children from birth to 5 years old.	205 Bedford St - Suite O Hamilton MT	375-6691
Ravalli County Public Health Nursing Service	Well child clinics, immunizations, health education, family planning, etc.	205 Bedford St Hamilton MT	375-6259
Head Start of Ravalli County	Provides services to low-income families with children ages 3-5. Education, health and nutrition, social service, and parent involvement.	81 Kurtz Lane Hamilton MT	363-1217
Western Montana Addiction Services	Out-patient services related to substance abuse. Evaluation, referral, counseling, therapy, intervention.	209 N 10 th St - Suite C Hamilton MT	532-9140
Bitterroot CASA Bitterroot GAL Services	Contact: Julie Crane Court appointed guardian ad litem whose goal is to serve the child's best interests in court. Also prevent abused, neglected and abandoned children from becoming lost in the Court system.	127 W Main - Suite D Hamilton MT www.bitterrootcasa.org	961-4535

Literacy Volunteers of America	Free, confidential tutoring for those over 16 who need to gain basic skills in reading, writing, math or English. GED classes offered.	316 N 3 rd St - Suite 156 Hamilton MT	363-2900
DOMESTIC VIOLENCE			
SAFE	Offers emergency and long-term housing and supportive services to victims of domestic or sexual violence.	150 Morning Star Way Hamilton MT	406-363-2793 Crisis Line: 363-4600
National Domestic Violence Hotline		www.ndvh.org	1-800-799-7233
HOTLINES			
National Poison Control Center			1-800-525-5042
National Runaway Hotline			1-800-897-5465
National Suicide Hotline			1-800-273-8255
National Domestic Violence Hotline		www.ndvh.org	1-800-799-7233
National Sexual Assault Hotline		www.rainn.org	1-800-656-4673
Food Stamp Hotline			1-800-332-2272
Child Abuse Hotline			1-800-332-6100 1-866-820-5437
Information / Resource Database	Database for local resources (Missoula & Ravalli County)		211
CHILD ADVOCACY CENTERS			
Emma's House	Medical, forensic interview, and family support services for children reporting sexual or physical abuse or who have witnessed domestic violence	PO Box 2034, Hamilton 59840 To report abuse: Call 911 or Central Intake at 866-820-5437. Referrals to Emma's House <i>must</i> be made by law enforcement or DPHHS, Child and Family Services Division	406-363-7216
First Step	Medical, forensic, and family support services for children reporting sexual abuse; rape kits for adults	400 W. Front Street, Missoula	406-329-5776

Family Law Self Help Center

Missoula County Courthouse
200 West Broadway Room 271
(next to Clerk of Court office)
Missoula, MT 59802
Phone: (406) 258-3428
Email: missoulaselfhelp@gmail.com

Hours: M, W, Th, F: 8:30am-4:30pm
Appointments recommended

Ravalli County Forms available in
RC Clerk's Office or at
<http://www.ravallicounty.mt.gov/districtcourt>

